

**204-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-18920-2018
Date of decision-28.05.2019**

Indu Shekhar **....Petitioner**
State of Punjab and others **Vs.** **...Respondents**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jasdeep Singh, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
ASI Janak Raj.

Mr. A.P.Batra, Advocate for respondent No.2.

Mr. Sukhkarandeep Vaid, Advocate for
Mr. Parambir Singh, Advocate for respondent No.3.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.39 dated 07.02.2018 under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code registered at Police Station Daresi, District Ludhiana City. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.05.2018 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“Adverts to the order dated 1.5.2018, whereby co-accused Ram Krishan has been granted interim protection by this Court in CRM-M-15563-2018.
Counsel contends that case of the present petitioner*

would be on a better footing.

Notice of motion, returnable for 11.7.2018.

To be heard along with CRM-M-15563-2018.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Janak Raj and counsel for the complainant have opposed the bail on the ground that the custodial interrogation is required.

After hearing learned counsel for the parties, this Court is of the opinion that the allegations in the FIR have been noticed by this Court in the order dated 04.05.2018 and the entire case of the parties is founded on documentary material and therefore, custodial interrogation of the petitioner may not be necessary.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 04.05.2018 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)

JUDGE

28.05.2019

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No